

10/583,121

REMARKS

In that action, the Examiner requires an election of species, under 35 U.S.C. § 121, between one of the following alleged patentably distinct species of the invention:

- I Species A - directed to an additional electrolytic treatment step of the nano-particulate layer for the formation of a barrier layer; or
- II Species B - directed to an additional electrolytic treatment step of the nano-particulate layer for the sensitizing of the nano-particulate layer with a dye.

In order to fulfill the Examiner's request, the Applicant elects to prosecute the species of the claimed invention o Species A. In addition to generic claims 14 and 20-22, the Applicant also elects claims 15-17 and 23-26 which are readable on the elected species to be prosecuted on the merits.

As requested, a number of the pending claims are suitably amended to address the issues noted by the Examiner in the official action as well as to clarify the recited method steps.

The Applicant does not waive any rights with respect to the non-elected species and does not intend to abandon that subject matter. If the Examiner makes the election requirement final, the Applicant respectfully requests that the non-elected species be withdrawn from further consideration but remain in this application subject to reinstatement, in the event that a generic claim is allowed, or for possible filing of a divisional application(s).

In view of the foregoing, it is respectfully submitted that the outstanding election of species requirement should be withdrawn and examination of all claims pending in this application, on the merits, is respectfully requested at the present time.

In the event that there are any fee deficiencies or additional fees are payable, please charge the same or credit any overpayment to our Deposit Account (Account No. 04-0213).

Respectfully submitted,


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